

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Gorsuch et al.

**Patent No.:** 7,583,971

Our File: TAN-2-1401.04.US

**Filed:** January 23, 2004

Date: February 4, 2010

For: DYNAMIC BANDWIDTH ALLOCATION  
TO TRANSMIT A WIRELESS PROTOCOL  
ACROSS A CODE DIVISION MULTIPLE  
ACCESS (CDMA) RADIO LINK

Issued: September 1, 2009

**REQUEST FOR RECALCULATION OF PATENT  
TERM ADJUSTMENT IN VIEW OF WYETH**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Interim Procedures for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding the Overlapping Delay Provision of 35 U.S.C.154(b)(2)(A), Applicants respectfully request recalculation of the Patent Term Adjustment for United State Patent No. 7,583,971 issued on September 1, 2009. The Patentees' sole basis for requesting reconsideration of the patent term adjustment in the patent is the USPTO's pre-Wyeth interpretation of 35 U.S.C.

**Applicant:** Gorsuch et al.  
**Patent No.:** 7,583,971

154(b)(2)(A). Form PTO/SB/131 is being filed within 180 days of the day the patent was granted.

If there any additional required, the Patentee respectfully requests that the undersigned be contacted.

Respectfully submitted,

By /Darryl W. Shorter/  
Darryl W. Shorter  
Registration No. 47,942

Volpe and Koenig, P.C.  
United Plaza  
30 South 17th Street  
Philadelphia, PA 19103-4009  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

DWS/tc  
Enclosure